



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/537,993

04/10/2006

Keiichi Yamamoto

ES/4676-916

1366

23117

7590

07/13/2009

NIXON & VANDERHYE, PC

901 NORTH GLEBE ROAD, 11TH FLOOR

ARLINGTON, VA 22203

EXAMINER

PAUL, JESSICA MARIE

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

07/13/2009

PAPER

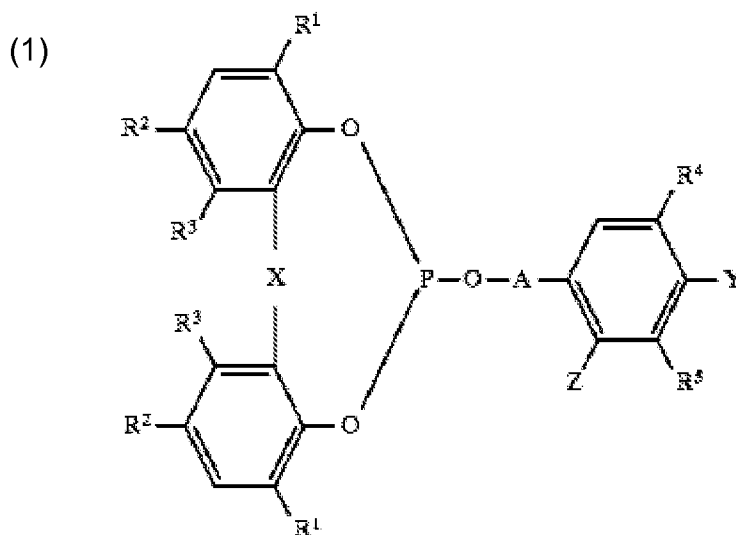
Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed June 24, 2009 have been fully considered but they are not persuasive. Applicants argue that following formula (1), as disclosed by Inue et al. (US Patent No. 5889095)

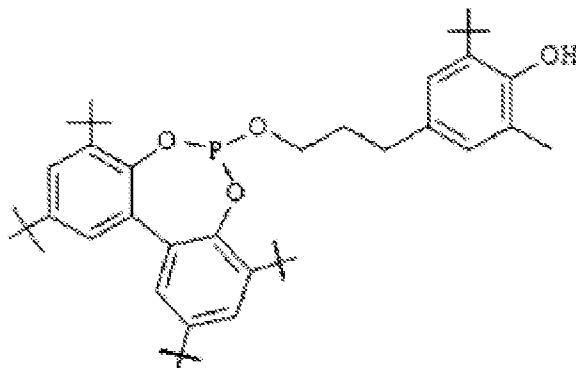


Wherein R¹, R², R⁴, and R⁵ can be an alkyl; R³ is hydrogen; X is a direct bond; A is an alkylene group having 2 to 8 carbon atoms; and one of Y and Z represent a hydroxyl [col1,line65-col2, line33]; does not read on applicants' required instant formula (1). Applicants argue that group A group must have ethylenic unsaturation. The examiner respectfully disagrees.

Inue et al. discloses alkylene groups, corresponding to a divalent alkyl group, i.e. -CH₂CH₂CH₂-; which would be considered a propylene group [col3, line31-42]. This is supported by Example 9, where A = -CH₂CH₂CH₂-, in the production of 2,4,8,10-tetra-t-butyl-6-[3-(3-methyl-4-hydroxy-5-t-butylphenyl)propoxy]dibenzo[d,f][1,3,2]

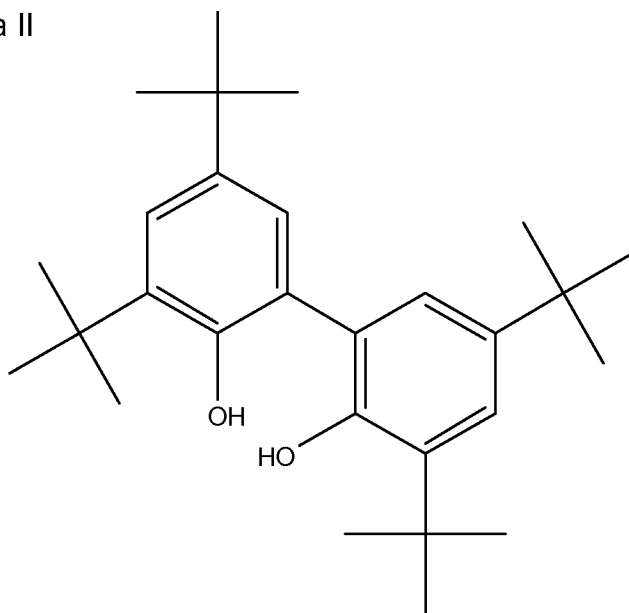
Art Unit: 1796

dioxaphosphine.



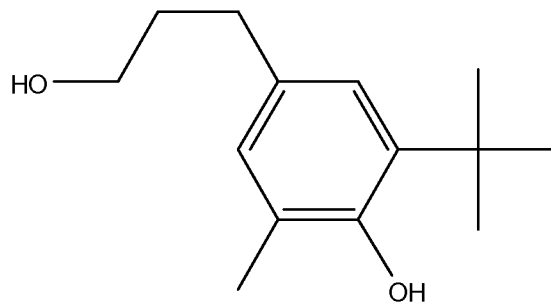
Which comprises reacting 3,3',5,5'-tetra-*t*-butylbiphenyl-2,2'-diol (corresponding to Formula II, [col4, line1-9])

Formula II



with phosphorous trichloride and triethylamine. The mixture is then reacted with 3-(3-*t*-butyl-4-hydroxy-5-methylphenyl)propanol (corresponding to Formula III [col4, line12-20]), via the propanol moiety.

Formula III



The reaction product, as disclosed in Example 9 by Inue et al., reads on applicants' required formula (1).

The compound as disclosed by Inue et al., reads on applicants required formula (1), and therefore the rejection of claims 3-6, 8, 9, 11, and 12, Shustack (US Patent No. 5146531) in view of Inue et al.; and the rejection of claims 13-14, Bishop et al. (US Patent No. 6714712) in view of Inue et al., still stand.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Paul whose telephone number is (571)270-5453. The examiner can normally be reached on Monday thru Friday 8:00- 6:00p; alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James J. Seidleck/
Supervisory Patent Examiner, Art Unit 1796

Jessica Paul
Examiner
Art Unit 1796

/JMP/